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OFFICE OF PETITIONS

In re Application of
Beverly L. Mangold, et al.
Application No. 09/844,281
Filed: April 30, 2001
Attorney Docket No. 38602.0003

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 15, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) under 37 CFR 1.114; (2) the petition fee of \$750; and (3) an adequate statement of unintentional delay.

It is noted that a non-final Office action was mailed to applicant on August 31, 2005. Where an application is abandoned, the examiner is without authority to act further in the case absent a decision by the Office of Petitions granting a petition to revive. Although the Office of Petitions did not process the present petition, the Examiner issued a non-final Office action. In order to ratify the examiner's action in this case, the petition to revive is being treated as having been granted prior to the mailing of the non-final Office action. Accordingly, the petition under 37 CFR 1.137(b) is granted, *nunc pro tunc*.

Petitioner should note that the period for reply to the non-final Office action continues to run from the mailing date (August 31, 2005) of that Office action. No new period has been set as a result of this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3223.

The application file is being referred to Technology Center 1600.

Marianne E. Jenkins
Petitions Examiner
Office of Petitions